

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

United States of America,

vs.

Vladimir Yarosh.

Case No. 00-CR-6281-HIGHSMITH/GARBER

**DEFENDANT'S UNOPPOSED MOTION
FOR EARLY TERMINATION OF PROBATION**

The Defendant, Vladimir Yarosh ("Yarosh"), by and through counsel, hereby respectfully moves this Honorable Court for the early termination of his term of probation. In support thereof, Yarosh states the following:

1. On November 27, 2000 Yarosh pled guilty to count one of an Indictment charging conspiracy to commit passport and visa fraud, in violation of 18 U.S.C. § 371.
2. This Court sentenced Yarosh to a three (3) year term of probation, including a period of home detention, commencing February 6, 2001.
3. Yarosh has to date served twenty (20) of his thirty-six (36) months of probation without incident. Yarosh has paid all monetary conditions of his sentence, and has otherwise abided by all conditions imposed by this Court and by his assigned probation officer.
4. 18 U.S.C. § 3564(c) provides that a court,

after considering the factors set forth in section 3553(a) to the extent that they are applicable, may . . . terminate a term of probation previously ordered and discharge the defendant . . . at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such

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action is warranted by the conduct of the defendant and the interest of justice.

5. The Federal Rules of Criminal Procedure expressly permit such a modification of probation, even without a hearing, where, as in this instance, the relief to be granted is favorable to the defendant, and the attorney for the government does not object. See, Fed. R. Crim. P. 32.1(b).
6. Undersigned counsel has conferred with Diana L.W. Fernandez, Esquire, who advised that the United States does not object to the termination of Yarosh's term of probation.
7. Yarosh is an immigrant from the former Soviet Union, who, after learning to speak English and acclimating himself to life in the United States, started several businesses in which he utilized his contacts in the Ukraine and elsewhere in Europe.
8. Because of the travel restrictions which are part of any sentence of probation, Yarosh has, for the past two (2) years been unable to travel internationally to promote his business. This, in addition to the downturn in the economy has had a disastrous effect on Yarosh and his family.
9. Yarosh is working hard to rebuild his business, and has engaged in preliminary contract negotiations with various potential customers overseas.

10. However, in order to finalize the contracts it is necessary for Yarosh to be able to meet with the representatives of these customers in person, which will involve international travel.
11. Termination of Yarosh's probation would greatly alleviate the problem that such international travel restrictions have caused for his business, and would help Yarosh to continue reviving his business.
12. Further, Yarosh's daughter, Miriam, lives with her husband in Spain, where she is a university professor. They have a young child, and Yarosh longs to travel to Spain to visit with his daughter and grandchild. Further, Yarosh has recently learned that Miriam is pregnant again.
13. Undersigned counsel has conferred with United States Probation Officer James E. Bros, who advised that Yarosh has complied with all the terms of his probation without incident.
14. Probation Officer Bros has indicated that he does not object to terminating Yarosh's probation. Continued supervision of Yarosh would serve no beneficial purpose.
15. Yarosh has shown himself to be truly rehabilitated. His violation of law was an anomaly in an otherwise law abiding life, and will not be repeated.


16. Terminating Yarosh's probation will give him the opportunity to continue rebuilding his lawful businesses, and will give him the opportunity to spend time with his family abroad.

WHEREFORE, Yarosh respectfully requests that this Honorable Court enter an Order terminating Yarosh's period of probation.

Respectfully submitted,

Malman, Malman & Rosenthal
3230 Stirling Road
Suite 1
Hollywood, Florida 33021
Tel. 954-322-0065
Fax. 954-322-0064

By:


Myles H. Malman
Florida Bar No. 0776084

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via facsimile and United States mail to Diana L.W. Fernandez, Esquire, Office of the United States Attorney, Southern District of Florida, 500 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida 33394 James E. Bros, United States Probation Officer, Southern District of Florida, 6100 Hollywood Boulevard, Suite 501, Hollywood, Florida 33024 this 9th day of October, 2002.

By:


Myles H. Malman